



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/143156

PRELIMINARY RECITALS

Pursuant to a petition filed August 14, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on September 18, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner's application for FoodShare benefits was correctly denied for failing to provide verification.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Mary Hartung

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was recipient of BadgerCare+ Core benefits and that case was subject to review in June 2012. During the review process, on June 14, 2012, Petitioner requested FoodShare benefits.

3. Petitioner was sent a written request for verification dated June 15, 2012 that informed Petitioner that his employment and income had to be verified with pay stubs from the last 30 days or verification of earnings from the employer. The due date for that verification was July 16, 2012.
4. The agency never received the requested verification so denied Petitioner's request for FoodShare benefits. He was sent a notice dated July 27, 2012 that informed of the denial. He timely appealed.

DISCUSSION

Verification of income is mandatory for FoodShare eligibility. *Food Share Wisconsin Handbook (FSH)*, §1.2.4.1. A request for verification must be made in writing. *Id.*, §1.2.1.2. It is the applicant's responsibility to provide verification but the agency must help if requested. If a third-party verification source is not cooperative, the best source of information available to be used. *Id.*, §1.2.1.3.

In this case Petitioner asks employer to submit verification to the agency of his employment and income. The employer apparently indicated to Petitioner that it would do so. There is, however, no record that that verification was submitted; the agency has no record of receipt and there is no facsimile confirm. I also note that there was no indication to the agency that help was required nor was there any indication of a lack of cooperation on the part of the employer.

I am, therefore, concluding that the agency correctly denied Petitioner's application for lack of verification.

Petitioner may certainly reapply for FoodShare benefits.

CONCLUSIONS OF LAW

That the evidence is not sufficient to demonstrate that required verification of income was provided thus the agency correctly denied Petitioner's application for FoodShare benefits.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

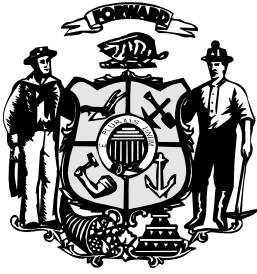
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 11th day of October, 2012

David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

c: Milwaukee Enrollment Services - email
Department of Health Services - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 11, 2012.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability